

REMARKS

In the Decision on Appeal issued by the Board of Patent Appeals and Interferences on February 29, 2008, the Board reversed all outstanding rejections, but issued a new ground of rejection pursuant to 37 CFR 41.50(b). More specifically, the Board issued a rejection of independent Claims 1, 11, 21, 22, 23, 33, 43 and 44 under 35 U.S.C. 103(a) as unpatentable over Gerszberg et al. (U.S. Patent No. 6,084,583) in view of Cho et al. (U.S. Patent No. 6,834,048). Applicant respectfully traverses this rejection on the basis that Cho et al. is not properly cited prior art.

First, it should be noted that the present application was filed on July 12, 2001, but that the benefit of U.S. Provisional Patent Application No. 60/217,800, filed July 12, 2000 is claimed. Cho et al. issued on December 21, 2004, and was filed on September 22, 2000, with no earlier benefit being claimed. Thus, assuming that the claims of the present application are supported by the disclosure of U.S. Provisional Patent Application No. 60/217,800, Cho et al. is not prior art to the present application based on date.

In this regard, the Board of Patent Appeals and Interferences treated Claim 1 as being representative of all independent claims. As such, Applicant below maps support in U.S. Provisional Patent Application No. 60/217,800 for all elements of Claim 1:

1. A system for displaying a web content on a display of a user computer, said system comprising: **(Summary of the Invention, lines 1-2; Claim 1, lines 3-4; Claim 3)**

a central computer; **(Claim 1, line 2; Claim 2)**

software executing on said central computer for receiving a request to transmit a web page; **(Claim 1, line 2; Claim 2; Claim 3)**

software executing on said central computer for transmitting a web page to the user computer in response to the request to transmit a web page, the web page comprising attract loop code, wherein the attract loop code monitors the user computer for a user event, and only if the user event does not occur within a specified time period, the attract loop code automatically transmits a request for attract loop content to said central computer; **(Summary of the Invention, lines 2-4; Claim 1, lines 2-5; Claim 2; Claim 3)**

software executing on said central computer for automatically transmitting attract loop content to the user computer in response to the request for attract loop content; and **(Summary of the Invention, lines 2-4)**

wherein the attract loop code causes the attract loop content to be displayed on the display of the user computer. **(Summary of the Invention, lines 2-4; Claim 4; Claim 5)**

In view of the above, Applicant respectfully submits that the invention of Claim 1 is fully supported by U.S. Provisional Patent Application No. 60/217,800, which pre-dates the filing of Cho et al. As such, Cho et al. is not a properly cited reference.

Moreover, even if all claim elements of the present application were not supported by U.S. Provisional Patent Application No. 60/217,800, Applicant is submitting herewith a Declaration of Inventors of Prior Invention Under 37 C.F.R. §1.131. This Declaration clearly evidences the fact that the present invention, as

claimed, was reduced to practice prior to the effective date of Cho et al., by filing of U.S. Provisional Patent Application No. 60/217,800 on July 12, 2000 and/or by the documented use of the present invention at least as early as August 29, 2000 (both of which dates are before the effective date of Cho et al., which is September 22, 2000). Thus, in view of the Declaration being filed concurrently herewith, Cho et al. should be removed as a reference pursuant to 37 CFR 1.131.

Since all outstanding rejections are based in part on Cho et al., and since Cho et al. is not a properly cited prior art reference, Applicant respectfully submits that all outstanding rejections must fall.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-44, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,

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